

COUNTY OF RAVALLI, MONTANA
BOARD OF COUNTY COMMISSIONERS RESOLUTION

RESOLUTION NO. 1844

AN INTERIM ZONING RESOLUTION LIMITING THE SIZE OF LARGE SCALE
RETAIL SALES AND RETAIL SERVICES ESTABLISHMENTS

WHEREAS, Montana Code Annotated Section 76-2-201 et seq, authorizes the Board of County Commissioners to enact zoning regulations and to provide for their administration and enforcement and amendment; and

WHEREAS, the County Commissioners deem it necessary for the purpose of promoting the health, safety, and the general welfare of the County to enact zoning regulations; and

WHEREAS, Ravalli County Commissioners have previously adopted a Growth Policy on December 31, 2002, and amended the same on April 7, 2003, and August 18, 2004; and

WHEREAS, the County Commissioners have directed the County Planning Department and Planning Board to commence procedures for the adoption of Permanent County Zoning Regulations, but these permanent zoning regulations will not be in place in time to adequately address the development of large scale retail sales and retail services establishments in the County; and

WHEREAS, Ravalli County has experienced and is anticipated to experience the following trends, which have increased the likelihood of the building and development of large scale retail sales and retail services establishments in the County:

1. The growth rate in Ravalli County was 44 percent between 1990 and 2000 and 9 percent between 2000 and 2004;
2. This rate of growth places Ravalli County in the forefront as one of the fastest growing counties in the state for this time period and its rapid growth is projected to continue;
3. US Highway 93 and Eastside Highway comprise the primary north-south transportation corridor through the Bitterroot Valley and these roads are generally located in close proximity to the Bitterroot River. Expansion of US Highway 93 has been completed at the north end of the Valley and it is imminent between Stevensville and Hamilton. Furthermore, the Montana Department of Transportation is studying the potential redevelopment of Eastside Highway;
4. Expanded capacity on the major transportation corridor and any development resulting from this expansion may adversely affect the

Ret: Commissioners Office

- Bitterroot River, a primary scenic and recreation corridor in the Valley, and the scenic views of the Bitterroot and Sapphire Mountains;
5. The Tristate Water Quality Council has stated that reliance on septic systems in fast growing rural counties can have an adverse impact on groundwater and surface waters. Furthermore, the potential for connection of a large scale retail sales and retail services establishment to a public sewage treatment facility is limited because primary public sewage treatment facilities in the valley are located within the incorporated jurisdictions of the City of Hamilton and the Town of Stevensville and Town of Darby, with smaller systems located in the communities of Corvallis and Victor, and all of these systems are at or near capacity.

WHEREAS, in connection with this high rate of growth and development in the County, there has been, and it is reasonable to assume will continue to be, an interest in the development of large scale retail sales and retail services establishments along the County's primary transportation and scenic routes; and

WHEREAS, this development, in combination with continued high rates of residential development and general growth, have the potential to substantially and permanently affect public health and safety, and would be inconsistent with and frustrate Ravalli County's adopted Growth Policy and the County's efforts in developing permanent planning and growth regulations; and

WHEREAS, Montana Code Annotated Section 76-2-206 authorizes the County to enact interim zoning regulations, as an emergency measure in order to promote the public health, safety, morals and general welfare, if the purpose of the interim zoning regulation is to classify and regulate those uses and related matters that constitute the emergency, and the County is in the process of enacting permanent zoning regulations; and

WHEREAS, regulations limiting such large scale retail sales and retail services establishments to no more than 60,000 square feet are necessary for the reasons that due to their size they substantially and detrimentally impact the factors set forth below and render meaningless permanent planning and zoning regulations before the county has the opportunity to fully develop and enact them; and

WHEREAS, retail sales and retail services establishments between 25,000 and 60,000 also substantially and detrimentally impact the factors set forth below and, if left unregulated, would render meaningless permanent planning and zoning regulations before the county has had the opportunity to develop and enact them and where these interim standards address the most significant impacts of establishments of this size on an interim basis; and

WHEREAS, the County Commissioners find it urgent, necessary and appropriate to adopt interim zoning regulations relating to large scale retail sales and retail

services establishments because of their impacts upon the following factors and in order to:

1. lessen congestion in the streets;
2. secure safety from fire, panic and other dangers;
3. promote public health and general welfare;
4. provide adequate light and air;
5. prevent the overcrowding of land;
6. avoid undue concentration of population; and
7. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, these interim zoning regulations relating to large scale retail sales and retail services establishments are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area; and

WHEREAS, the purpose of the Ravalli County Growth Policy include;

- a.) Countywide Goal 4: "Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents." (page 25)
- b.) Countywide Policy 4.1: "Encourage development that will minimize or avoid additional costs to the existing taxpayers." (page 25)
- c.) Countywide Policy 4.2: "Consider the cumulative impacts of development." (page 25)
- d.) Countywide Policy 4.4: "Improve and maintain existing infrastructure and public services." (page 26)
- e.) Countywide Goal 5: "Protect and enhance natural resources & public open space." (page 26)
- f.) Countywide Policy 5.3 "Use planning tools to ensure consideration is given to natural resources." (page 26)
- g.) Countywide Policy 5.4: Protect the Bitterroot River, including its scenic beauty (page 26)
- h.) Countywide Policy 5.8: Preserve the scenic and historic values of U.S. Highway 93 (page 27)
- i.) Countywide Goal 6: "Promote and encourage a vibrant, sustainable, healthy economic environment that recognizes existing businesses and attracts new entrepreneurs." (page 28)
- j.) Countywide Policy 6.2: "Support and encourage quality design and planning for more aesthetic commercial business development." (page 28)
- k.) Countywide Policy 6.7: "Support an expanded, more vital, environmentally sustainable tourism and recreation industry." (page 28)

- l.) Countywide Policy 6.8: "encourage expansion of existing businesses and business recruitment efforts, which maintain and create better-paying jobs." (page 28)
- m.) Countywide Goal 7: "Plan for residential and commercial development." (page 29)
- n.) Countywide Policy 7.4: "Encourage the continued development of a comprehensive, efficient and predictable review and approval process for proposed new development.
- o.) Countywide Policy 7.5: "Encourage the use of light fixtures, which minimize light pollution in new development."
- p.) Countywide Policy 7.7: "Research the designation by appropriate authority, the location of new land uses which impact public health, safety and general welfare."

WHEREAS, all the requirements of Chapter 76, part 2, MCA, which regard the preparation of interim zoning resolutions have been met; and

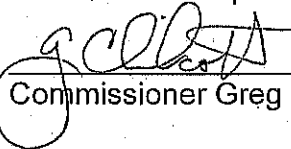
WHEREAS, public meetings were held by the County Commissioners, February 28, 2006 and March 21, 2006, to notify the public of the potential of adopting interim zoning regulations regarding large scale retail sales and retail services establishments and provide opportunity for public participation; and

WHEREAS, a notice of public hearing was advertised in the Ravalli Republic on March 29, 2006, and April 5, 2006, for a resolution to enact the interim zoning to limit the size of large scale retail sales and retail services establishments; and

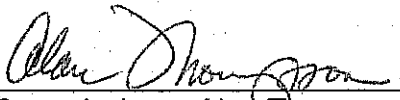
WHEREAS, a hearing was held by the County Commissioners on April 12, 2006, in order to give the public an opportunity to be heard regarding the proposed Interim Zoning Regulations.

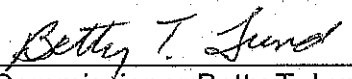
NOW, THEREFORE, BE IT RESOLVED, that after consideration through the public process summarized above, Ravalli County adopts Interim Zoning Regulations Concerning Large Scale Retail Sales and Retail Services Establishments, regulating large scale retail sales and retail services establishments such as listed in the attached zoning regulations. Pursuant to Montana Code Annotated, Section 76-2-206 (2), this zoning resolution shall expire on April 12, 2007, unless it extends for one (1) additional year by the Ravalli County Board of County Commissioners.

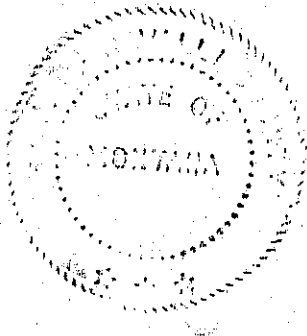
Passed and adopted the 12th day of April, 2006



Commissioner Greg Chilcott


Commissioner Alan Thompson


Commissioner Betty T. Lund




Attest: Ravalli County Clerk & Recorder

RAVALLI COUNTY INTERIM ZONING REGULATIONS CONCERNING LARGE SCALE RETAIL SALES AND RETAIL SERVICES ESTABLISHMENTS

SECTION 1. TITLE.

These regulations shall be known and may be cited as the Ravalli County Interim Zoning Regulations Concerning Large Scale Retail Sales and Retail Services Establishments.

SECTION 2. AUTHORITY.

These Regulations are adopted pursuant to Sections 76-2-201 through 76-2-228, MCA, and are adopted as interim zoning regulations pursuant to Section 76-2-206 MCA, in response to increased interest in the development of large scale retail sales and retail services establishments within the County.

SECTION 3. PURPOSE

Development of large scale retail sales and retail services establishments in the County has the potential to substantially and permanently affect public health and safety, and would be inconsistent with Ravalli County's adopted Growth Policy. These Interim Zoning Regulations shall serve to address this situation while the Ravalli County Planning Department and Planning Board undertake procedures for adoption of permanent County zoning regulations.

SECTION 4. JURISDICTION.

The area included within the jurisdiction of these regulations shall be all of the unincorporated area of Ravalli County, Montana.

SECTION 5. RECOVERY OF MINERAL, FOREST, OR AGRICULTURAL RESOURCES NOT AFFECTED.

Nothing in these regulations shall be construed to prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner of any mineral, forest, or agricultural resource. (§76-2-209, MCA)

SECTION 6. PERMIT REQUIRED

A Development Permit must be obtained from the Permit Officer before any person may begin to construct, place, move, expand, or structurally alter a large scale retail sales and retail services establishment. A Development Permit may be issued only when the proposed building, structure, parcel or use will meet the requirements specified in these Regulations.

SECTION 7. DESIGNATION OF PERMIT OFFICER; DUTIES

A. Designation of Permit Officer

The Board of County Commissioners shall designate the Planning Director, or his/her designee, as the Permit Officer to administer and enforce these regulations.

B. Duties of the Permit Officer

1. The Permit Officer shall receive applications for development permits and variance requests; review applications and plans; issue development permits; receive violation complaints; and conduct inspection of premises and properties.
2. If these provisions are being violated, the Permit Officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal uses, buildings or structures or of illegal additions, alterations, or structural changes; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.
3. The Permit Officer shall serve as an advisor to the Board of Adjustment and the Board of County Commissioners on matters relating to these regulations; prepare staff reports as required; and prepare and maintain records of all proceedings required or authorized under these regulations.

SECTION 8. PROCEDURES FOR APPLICATION, REVIEW, GRANTING A DEVELOPMENT PERMIT.

A. Procedures for Applying for a Development Permit.

1. A Development Permit must be obtained from the Permit Officer before any building or structure permitted under these regulations may be erected, placed, moved, expanded, or structurally altered. The Permit Officer may issue a Development Permit only when the proposed building, structure, parcel or use will meet the requirements of these regulations.
2. Before constructing, erecting, expanding, altering or modifying a building or structure permitted under these regulations, a person must submit a completed application form to the Permit Officer with all of the required information, including plans drawn to scale, showing the actual dimensions and shape of the lot, the exact sizes and location of existing and proposed buildings and other structures.

B. Reviewing and Issuing a Development Permit

1. The Permit Officer shall review the application to ensure the required information and fee(s) is submitted and is complete. When the application and submitted information are complete, the Permit Officer shall determine whether the proposed building, structure, alteration, or use is permitted at the proposed location and whether the proposal will comply with the provisions of these regulations.
2. Should the Permit Officer find that the proposal will conform to all requirements, he/she shall issue the applicant a Development Permit.
3. Should the Permit Officer find that the proposed structure will not conform to all requirements of these regulations, he/she shall deny the application and state in writing that the application is denied, and explain the reasons for denial.
4. Construction, installation, alteration, placement or use must comply with the plans approved by the Permit Officer.
5. A Development Permit shall be in effect for one (1) year from the date of approval. An applicant may request an extension from the Permit Officer of up to one (1) year for an approved development permit.
6. The Permit Officer shall complete a final compliance inspection prior to occupancy.

SECTION 9. REVIEW FEES

- A. The Board of County Commissioners shall establish by resolution a schedule of fees and charges and a collection procedure for development permits, variances and appeals.
- B. Until all applicable fees and charges have been paid in full, no action may be taken on any application or appeal.

SECTION 10. BOARD OF ADJUSTMENT

A. Board of Adjustment Established

A Board of Adjustment (herein after referred to as "the Board") is hereby established in accordance with Sections 7-1-201 through 7-1-203 and 76-2-221 through 76-2-228, MCA. The membership, powers, and proceedings of the Board of Adjustment shall be consistent with the provisions of Sections 76-2-221 through 76-2-228, MCA. The County Commissioners shall appoint five (5) members to the Board, each for a term of two (2) years except that in the initial appointment, two (2) members shall be appointed for a term of one (1) year, and three (3) members for a term of two (2) years. Terms shall expire June 30 of the relevant year. Members shall be entitled to reimbursement of necessary mileage and expenses approved by the County Commissioners, but shall not be entitled to per diem nor salary.

B. Procedures for Variance Requests

1. Applications for a variance to the Board of Adjustment may be submitted by any person by filing an Application for Variance with the Permit Officer. Application forms shall be available at the Ravalli County Planning Department. Fees shall be required to be paid by the applicant in the amounts established in a fee schedule adopted by the Ravalli County Commissioners.
2. The Application for Variance must identify the applicant, identify the property at issue, identify the owner of the property and explain the relationship between the applicant and owner (if different), describe the factual background and particulars of the variance requested, set forth the specific reasons for requesting the variance, and explain how the applicant believes the variance criteria set forth herein are satisfied. Applications for variances shall be reviewed by staff for completeness, and shall be returned to the applicant without further processing if determined not to meet the requirements of this section.
3. The Permit Officer shall fix a reasonable time for the Board of Adjustment hearing of the variance request.
4. The Permit Officer shall publish two(2) notices, one (1) week apart in a newspaper of general County circulation, the first of which shall appear at least fifteen (15) days prior to the public hearing. The notice shall contain a brief description of the variance request; the location of the property; the date, time and place of the public hearing; and the statement that the application is on file for public inspection at the Planning Department.
5. The Permit Officer shall send written notification of the variance request to the property owners according to the following procedures:
 - a. Mailing lists shall include all persons listed in the most current available data in County Records who own the subject property(s) and property within five hundred (500) feet of the property proposed for a variance.
 - b. The mailing shall be made at least fifteen (15) days prior to the public hearing.
 - c. The notice shall contain a brief description of the nature of the application; the time, place and date of the public hearing; and the phone number and address of the Planning Department.
6. At the hearing any party may appear in person or be represented by an agent or attorney.

C. Requirements for Granting a Variance

1. To grant a variance the Board of Adjustment must make findings that:
 - a. the granting will not be contrary to the public interest or injurious to the neighborhood; and
 - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and
 - c. the spirit of the regulations shall be observed and substantial justice done; and
 - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
 - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue; and
 - f. the granting of the variance will not result in a situation that is in conflict with the Ravalli County Growth Policy.
2. Neither the permitted or nonconforming use of other lands, structures or buildings in the jurisdiction, are grounds for the issuance of a variance.
3. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for zoning or variance purposes.

D. Appeals to Board of Adjustment from Actions of Permit Officer

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the county affected by any decision of the Permit Officer. Such appeal shall be brought within 30 days of the date the subject decision was made. Such appeal shall be processed and decided in accordance with MCA Section 76-2-226.

E. Appeals from Decisions of the Board of Adjustment

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, board, or bureau of the county may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the board. Such appeal shall be subject to the provisions of Sections 76-2-227 and 76-2-228, MCA.

SECTION 11. DEFINITIONS

"Building height" means the vertical distance measured from the lowest finished or existing grade adjacent to the building to the highest point of the building. Grades shall not be artificially altered to gain height increases.

"Changing sign (automatic)" means a sign such as an electronically or electrically controlled public-service time, temperature and date sign, message center or readerboard, where different copy changes are shown at a frequency of more than once per hour. Sign motion shall not occur faster than eight (8) revolutions per minute and shall be limited to twenty-five (25) watt lamps.

"Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

"Government and public utility sign" means directional, warning, road, building identification, traffic control, informational or temporary special event signs that are erected, installed or placed by or on behalf of any federal, state, county or city government. Public utility signs showing the locations of underground facilities or public telephones, and safety signs on construction sites are included in this definition.

"Gross floor area" means the total floor area of indoor and outdoor space utilized, permanently or temporarily, for storage, retail display or sales of goods, including basements, mezzanines, and upper floors, if any, expressed in square feet. For retail sales establishments that are primarily engaged in sales of motorized vehicles, motorized equipment and accessories, or nursery products, the outdoor sales, display and storage areas shall not count towards the gross floor area.

"Ground sign" means a sign erected on a freestanding frame, mast or pole and not attached to any building.

"Height of sign" means the vertical distance measured from the adjacent street grade or upper surface of the nearest street curb, other than an elevated roadway, to the highest point of said sign.

"Incidental sign" means a generally informational sign that has a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading only," and other similar directives. No sign with a commercial message shall be considered incidental.

"Landscaping" means any living plant material of the following combination: vegetative round cover or grass, flowers, ornamental plants, shrubs, edges, vines and/or trees. Where appropriate, xeriscape may be used. Native or naturalized plants are encouraged.

"Parapet" or "parapet wall" means that portion of a building wall that rises above the roof level.

"Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a structure or building face.

"Required yard setback" means the minimum dimension of a front, side or rear yard as measured from the road right-of-way or public access easement line or any other lot line.

"Retail sales" means an establishment that is primarily engaged in selling goods or merchandise to the general public or to commercial customers, and rendering services incidental to the sale of such goods or merchandise. The aggregate square footage of all adjacent establishments which share a common check stand, management, a controlling ownership, or storage areas shall be considered one establishment. Retail sales establishments include, without limitation, discount warehouse or discount "club" stores. Retail sales establishments do not include establishments which are primarily engaged in sales of goods or merchandise produced or manufactured on site.

"Retail services" means an establishment primarily providing services or entertainment, as opposed to products, including but not limited to eating establishments, financial services, real estate and insurance sales, personal service, theatres, amusement and recreation facilities, health, educational and social services and museums.

"Sign" means any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including emblem, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags.

"Wall sign" means a sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall, including a sign attached to a parapet wall which may be constructed specifically for the purpose of attaching a sign.

SECTION 12. NONCONFORMING USES AND STRUCTURES

A. Purpose

1. Within the jurisdiction, structures and uses of land may exist which were lawful at the time these regulations were adopted, but which would be prohibited or regulated under the terms of these regulations or future amendment. The intent of this Section is to permit these nonconformities to continue until they are removed, but not to encourage their continuation. These regulations further intend that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the jurisdiction.
2. Nonconforming uses and structures are declared by these regulations to be incompatible with permitted uses and structures. However, to avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of these regulations and where actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Uses of Land and Structures

Where, at the time of passage of these regulations, a lawful use of land or a structure exists which would not be permitted by the regulations imposed by these regulations, the use or structure may be continued where it remains otherwise lawful, provided:

1. A nonconforming use or structure may not be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption of these regulations. Any enlargement or expansion of the nonconforming use or structure shall eliminate the allowance for the nonconforming use or structure, and the entire use or structure must then be brought into conformance with these Regulations.
2. Should any nonconforming use cease for any reason for a period of more than one year, any subsequent use of the land or structure shall conform to these regulations.
3. Should a nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in compliance with the provisions of these regulations.
4. Nothing in these regulations shall be deemed to prevent the routine repair and maintenance of a nonconforming structure.

SECTION 13. ENFORCEMENT, VIOLATIONS AND PENALTIES

- A. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any resolution made under authority conferred hereby, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of such building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.
- B. In addition to the civil penalties above, violation of the provisions of these regulations or failure to comply with any of its requirements, including violations of conditions established in connection with the grant of variances, is a misdemeanor and shall be punishable by a fine not exceeding \$500 or imprisonment in the county jail not exceeding 6 months or both. Section 76-2-211, MCA.

SECTION 14. SEVERABILITY CLAUSE.

If any section or provision of these regulations is declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Regulations as a whole, nor any part thereof other than the specific portion declared to be unconstitutional or invalid.

SECTION 15. DEVELOPMENT STANDARDS.

A. Space and bulk requirements:

1. Maximum gross floor area. No structure shall exceed 60,000 square feet in gross floor area. No combination of structures, or structures on the same or on contiguous lots or parcels shall exceed 60,000 square feet in gross floor area for a single or commonly controlled retail sales and/or retail services operation. For establishments with a gross floor area between 25,000 square feet and 60,000 square feet, the development standards in this section shall apply.
2. Maximum height. Thirty (30) feet.
3. Required yard setback. Twenty-five (25) feet from the edge of any public right-of-way or road easement, with the exception that the required yard setback shall be fifty (50) feet from US Highway 93 or Eastside Highway. The required yard setback from US Highway 93 or Eastside Highway may be reduced to twenty-five (25) feet if at least fifty (50) percent of the off-street parking is placed to the rear or the side of the building. The required yard setback area may be used to provide off-street parking, subject to landscaping requirements.
4. Minimum lot width. Not less than one-third (1/3) the average lot depth.

B. Design Standards:

1. Building Design. Alternatives shall be incorporated into the building to reduce the visual impact of the building. This requirement applies to new construction and/or expansion of an existing building by over fifty (50) percent. Building entry walls and walls that face public right(s)-of-way, public lands or navigable right(s)-of-way shall contain all of the design alternatives listed below. All other building walls shall incorporate at least four (4) of the design elements listed below. The design elements are:
 - a. Provide color variation in the building façade, including building trim and accent areas.
 - b. Provide building façade modulations, such as projections, recesses, off-set planes, overhangs, arcades, and/or clearly defined, highly visible pedestrian entrances encompassing at least seventy-five (75) percent of the first story of the building façade. No uninterrupted length of the façade shall exceed forty (40) feet.
 - c. Incorporate landscaping, including trees, adjacent to the building along a minimum of seventy-five (75) percent of the building length.

- d. Vary exterior materials and provide textural diversity. Predominant exterior building materials should not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.
 - e. Incorporate windows, doors and other transparencies to encompass at least twenty (20) percent and no more than sixty (60) percent of the first story of the building façade.
 - f. Provide varied roof lines and multiple roof planes, with at least three (3) or more roof slope planes.
2. Off-street Parking Requirements. Off-street parking areas shall be surfaced with asphalt concrete or concrete to control dust and drainage and shall meet the standards below.
 - a. Minimum requirements for parking are as follows: one (1) space for each three hundred (300) square feet of gross floor area. Parking shall be provided at a maximum ratio of 4.3 parking spaces per one thousand (1,000) square feet of gross floor area.
 - b. Accessible spaces shall be provided, located as near as practical to a primary entrance(s) and designated as reserved for the disabled by a sign showing the symbol of accessibility at each space. Accessible parking shall be certified by the developer as meeting ADA standards.
 - c. The dimensions of a standard parking space shall be at least nine (9) feet in width and at least eighteen and one half (18.5) feet in length. Parallel parking spaces shall be at least eight (8) feet in width and twenty-three (23) feet in length.
 - d. Adequate loading/unloading facilities shall be accommodated on site. All loading berths shall be located on private property and constructed so that no part of the loading or unloading vehicle protrudes onto the street and so that vehicles can access the loading berth without backing off of, or into, a road unless an alternative layout is approved by the County Road and Bridge Department and/or Montana Department of Transportation, as appropriate. If possible, loading berths shall not be placed adjacent to residential uses or public uses. In the event that a loading berth is placed adjacent to residential uses or public uses, it shall be screened so as to minimize visual and noise impacts.
 - e. Bicycle parking racks accommodating a minimum of fifteen (15) bicycles shall be required on site. Bicycle parking shall be clearly designated, highly-visible, safe, and convenient locations, and shall not impede pedestrian access. Bus stop accommodations shall also be required on the site.
3. Traffic impacts. Access onto public right(s)-of-way shall be minimized, and ingress and egress points to individual sites should be designed onto interior roads when the site abuts such a road. A comprehensive Traffic Analysis to assess the impact of the proposed development on the existing public right(s)-of-way shall be required to be submitted as part of the application. Mitigation may be required to address any adverse impacts.
4. Fire Protection. The most recent edition of the National Fire Protection Association (NFPA) and Uniform Fire Code (UFC) standards, together with any amendments thereto,

are hereby incorporated herein by reference. The applicant shall provide certification from a registered engineer that the proposed development shall meet these standards.

5. **Parking Lot Design.** Two (2) of the following elements shall be incorporated into the parking lot design to reduce the visual impact:
 - a. **Landscape setbacks.** When the parking area is located between the building and a public right-of-way, provide a three (3) foot high hedge, decorative wall or fence, or a berm at least two and one half (2.5) feet high and no taller than three (3) feet high, within the twenty (20) foot wide perimeter landscaped buffer between the parking lot and right-of-way. Berms taller than two and one half (2.5) feet require greater area and therefore may encroach further into the site beyond the twenty (20) foot landscaped perimeter with approval from the County Road and Bridge Department or the State Department of Transportation. Berm slopes should not exceed twenty-five (25) percent for lawn areas. Berms planted with vegetative ground cover and shrubs shall not exceed fifty (50) percent slope.
 - b. **Grade changes.** Where the parking lot is at least two and one half (2.5) feet lower in elevation than the surrounding or adjacent right-of-way, the embankment shall be planted with vegetative ground cover, low shrubs, and shade or ornamental trees.
 - c. **Parking placement.** Locate at least fifty (50) percent of the parking to the side or rear of the building.
6. **Storm water drainage.** Storm water drainage plans shall be provided with the application. A registered engineer shall certify that the parking lot design includes storm water drainage facilities such that all surface run off, in addition to that normally present prior to development, shall be retained on site or released from the site in a manner which will not substantially increase the peak runoff normally present prior to development of the site.
7. **Landscaping.** The following landscaping standards shall be met:
 - a. **Onsite landscaping.** At least twenty (20) percent of the total lot area to be developed shall be landscaped. There shall be no fewer than one (1) tree and five (5) shrubs planted per one thousand (1,000) square feet of landscaped area, or fraction thereof. The trees required in the perimeter landscaping and interior parking lot landscaping shall contribute to the total number of required trees.
 - b. **Perimeter/Buffer Landscaping.** When a lot is located adjacent to a public right-of-way, a minimum twenty (20) foot perimeter landscaping buffer shall be planted. A twenty-five (25) foot wide landscaped buffer strip that is five (5) feet high shall be planted along the entire lot line adjacent to any residential use, except where prohibited by a visibility triangle.
 - c. **Interior Parking Lot Landscaping.** Landscaping, in an amount equal to ten (10) percent of the paved area, shall be placed within the paved area. This interior parking lot landscaping shall contribute to the total twenty (20) percent onsite landscaping required. Interior landscaped islands shall be dispersed so as to define parking aisles and limit unbroken rows of parking to a maximum of one hundred (100) feet. Any parking aisle that ends adjacent to a paved driving surface, regardless of the aisle's

- length, shall have a landscaped island at that end. Canopy or shade trees shall be provided in interior landscaped islands at a minimum rate of one (1) per one hundred fifty (150) square feet of required interior landscaped island area, with a minimum of one (1) tree per landscaped island. Interior landscaped islands shall be protected by curbs, curbstopppers, fences or raised planters.
- d. Trees and Shrubs. The minimum height for a tree at planting in the required landscaped area is eight (8) feet. At planting, trees shall have a minimum caliper size of two (2) inches measured at four (4) feet above grade. The minimum size of shrub at planting is five (5) gallons.
 - e. A noxious weed/re-vegetation plan approved by the Ravalli County Weed Board shall be part of the required landscaping plan.
 - f. Maintenance. It shall be the responsibility of the property owner to maintain all landscaping. Where appropriate, automatic irrigation systems with back flow prevention, shall be provided to maintain healthy landscaping.
8. Additional Screening. Additional screening shall be provided as follows:
- a. Trash receptacles shall be screened on all four (4) sides from public view by an enclosure such as a wall, fence or plantings which will effectively screen them from public view.
 - b. Roof-mounted mechanical equipment or antennas shall be screened from adjacent public roads and public lands. Assume a viewing point located sixty (60) feet from the property line, which is five (5) feet higher than the building floor grade.
 - c. Outdoor storage areas. On-site outdoor storage areas shall not encroach into areas required for traffic flow or required parking and shall be screened from public view of located adjacent to residential uses or public right(s)-of way.
9. Bicycle and Pedestrian Facilities. The site design shall include a bicycle and pedestrian circulation plan that includes a clear separation of vehicular and bicycle and pedestrian traffic that is safe, convenient and fully connected. Bicycle and pedestrian facilities shall be at least six (6) feet wide. Bicycle and pedestrian facilities shall be connected to any existing or proposed public trails or pathways. All crosswalks shall be clearly identified by paint and include partial or full texturing to differentiate the walkway from the driving surface. The developer shall certify that all pedestrian accommodations are designed and built to ADA standards.
10. Lighting. All lighting shall be shielded so that all light falls within the property boundary. No light fixture shall exceed twenty-four (24) feet in height. Exterior building lighting shall be designed with shielding so that all direct light falls either upon the surface of the structure to be illuminated and within the property boundary. Blinking, flashing or lights of changing intensity are prohibited.
11. Signage. The total signage allowance shall be three hundred (300) square feet.

a. Permitted Sign Type and Bulk Requirements per Development:

Type	Maximum Area	Maximum Height
Wall	Seventy-two (72) square feet profile	Top of second floor
Ground	Seventy-two (72) square feet	Twenty-two (22) feet
Projecting	Forty-two (42) square feet	Top of second floor
Construction, For Sale, Lease, Rent	Sixteen (16) square feet	Eight (8) feet
Window	Fifteen (15) percent of the area of first floor windows if permanent. Twenty-five (25) percent of the area of first floor windows if temporary.	Top of first floor

1. Incidental signs shall not exceed four (4) square feet in area and five (5) feet in height and there shall not be more than ten (10) incidental signs per development. The area of incidental signs shall not count towards the signage allowance.
2. Government and public utility signs are not limited in number or area and shall not count towards the signage allowance.

b. Other Sign Design Standards:

1. One permanently installed changing sign is permitted per large scale retail sales and retail services establishment under the condition that internal or indirect lighting is used which does not cause glare or illumination into the public right(s)-of-way or public lands. Flashing signs are prohibited. The area of the changing sign shall contribute towards the overall signage allowance.
2. Sign illumination, if any, shall be provided by artificial light which is constant in intensity and color. Internally illuminated "can signs" are acceptable provided background and copy are coordinated to avoid excessive light output. Neon and other gas type transformers shall be prohibited. Exterior sign lighting shall be designed with shielding so that all direct light falls either upon the surface of the structure to be illuminated and within the property boundary.
3. Clearance: No sign or supporting structure shall extend within five (5) horizontal feet of a property line or road right-of-way. No sign or supporting structure shall extend within eight (8) vertical feet of a ground level area used for pedestrian and bicycle movement. No sign or supporting structure shall extend within ten (10) vertical feet and two (2) horizontal feet of a driveway or parking space open to customer use.

12. General. Every site must be fully developed with building, parking, or landscaping prior to the final inspection for the development permit. Areas reserved for future expansion must have the front yards facing developed roads, landscaped in accordance with this section. Said landscaping shall be installed along improved roads and extended at the time unimproved roads are improved. All landscaping shall be kept in a mowed and weed-free condition. If weather does not permit installation of landscaping prior to occupancy, the property owner shall install all required landscaping in the next growing season and the County may require the owner to enter into an agreement with adequate acceptable security for the landscaping.